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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Dianna Phillips,

Plaintiff,

v.

GFK Custom Research, L.L.C., a foreign  
limited liability company,

Defendant.

Case No.: \_\_\_\_\_

**COMPLAINT**

**(JURY TRIAL REQUESTED)**

Plaintiff, in support of this Complaint against Defendant, alleges as follows:

1. Plaintiff is currently and at all times relevant to this action a resident of Pima County, Arizona. During the three year period filing the filing of this Complaint (the "Claim Period") Plaintiff performed services for Defendant as a scheduler. In this position Plaintiff worked from home scheduling individuals recruited by her to conduct mystery shops at a number of retail businesses contracted with Defendant. Although Defendant characterized Plaintiff's services as that of an "independent contractor,"

1 Plaintiff was in fact Defendant's "employee" as that term is defined by the FLSA and  
2 Arizona wage law when working as a scheduler, and Defendant was her "employer"  
3 under the FLSA and Arizona wage law.

4 2. Defendant is a Delaware LLC registered to and doing business in Maricopa  
5 County, Arizona. At all times during the Claim Period Defendant was a covered  
6 "Enterprise engaged in commerce or in the production of goods for commerce" as that  
7 term is defined by the FLSA.  
8

9 3. This Court has jurisdiction and venue over the subject matter and the  
10 parties hereto pursuant to 28 U.S.C. §§1331, 1367 and 1391(b).

11 4. On multiple times during her employment for Defendant, Plaintiff worked  
12 in excess of 40 hours per week.

13 5. Plaintiff was paid a set amount for each mystery shop scheduled, regardless  
14 of the number of hours it took to recruit, train, schedule and complete the store's mystery  
15 shop. Plaintiff often received less than minimum wage for her services and was never  
16 compensated at one and one-half her regular hourly rate for any hours worked in excess  
17 of 40 in a workweek.  
18

19 6. Defendant knew that it was subject to the requirements of the FLSA and  
20 Arizona wage law.  
21

22 7. Defendant knew or should have known that the duties performed by  
23 Plaintiff were non-exempt duties under the FLSA.

24 8. Defendant knew or should have known that the duties performed by  
25 Plaintiff were those of an employee, not an independent contractor.





1 Arizona rate of 10% per annum, accruing from the date such amounts were due, and post-  
2 judgment interest; and

3 E. For the Court to award such other monetary, injunctive, equitable and  
4 declaratory relief as the Court deems just and proper.

5  
6 Dated this 19th day of January, 2011.

7  
8 s/ Michelle R. Matheson

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